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December 18, 2017

The Court orders Spotify to refile on the public docket any documents that, in light of this letter, may now be submitted in a less redacted form. These new submissions shall be due on or before December 29, 2017. SO ORDERED.

**BY ECF**

Honorable Alison J. Nathan  
United States District Judge  
40 Foley Square, Room 2102  
New York, NY 10007

Re: Ferrick et al. v. Spotify USA, Inc., et al., No. 1:16-cv-08412 (AJN)

Dear Judge Nathan:

This letter is in response to the Court's Order (Dkt. 303) to submit a justification for the continued sealing of Spotify USA's under seal filing of November 7, 2017 (Dkt. 257, Spotify's Motion to Clarify Class Composition). The under seal filing contains confidential portions of the deposition transcript of Randall Wixen, dated October 31, 2017. Mr. Wixen is the President/CEO and Founder of Wixen Music, Inc. ("Wixen Music"). Mr. Wixen has now completed his review of his deposition for confidentiality, pursuant to the terms of the Protective Order. Of those portions initially placed under seal, Mr. Wixen respectfully requests that only two portions of his deposition transcript, as well as the portions in Spotify's Motion based thereon, remain under seal, namely: pages 135 (Lines 7-20) and 136 (Lines 8-10), each cited on pages 9 and 18 through 19 of Spotify's Motion (Dkt. 257), as well as contained in the Stillman Decl. Ex. 4 (Dkt. 258-4) in support thereof, at pages 30 and 31.

These two portions of Mr. Wixen's deposition transcript should remain under seal because they both concern confidential, internal data tracking systems and procedures of Wixen Music. Specifically, these portions relate to practices regarding maintenance of music composition information for former clients in Wixen Music's proprietary databases. Maintaining such databases is at the heart of the music publishing industry, as music publishers must manage vast amounts of data for each of their many clients. Decisions about how to manage such information, and whether and how often to update it, is proprietary to Wixen Music and is a large part of its competitive advantage in the music publishing industry. Because these portions relate to tracking data for former clients, and specific decisions and practices regarding whether and how to track this information, the information in these portions is valuable and proprietary to Wixen Music and should remain confidential and sealed.

SO ORDERED:

HON. ALISON J. NATHAN

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We appreciate Your Honor's consideration in this matter.

Respectfully Submitted,

DONAHUE FITZGERALD LLP

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354, including Wixen Music and Mr. Wixen

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